

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:08-00281

JONATHAN SCOTT DAVIS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 10, 2016, the United States of America appeared by John J. Frail, Assistant United States Attorney, and the defendant, Jonathan Scott Davis, appeared in person and by his counsel, William C. Forbes, for a hearing on the petition on supervised release submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a five-year term of supervised release in this action on June 20, 2014, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on May 22, 2009.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant violated federal and state law inasmuch as he possessed with intent to distribute approximately 56.1 grams of methamphetamine for which he was arrested on March 30, 2016; and (2) the defendant used and possessed benzodiazepines without a prescription as evidenced by a positive urine specimen submitted by him on July 15, 2015, and his admission to the probation officer that he had used Xanax approximately two or three days prior; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

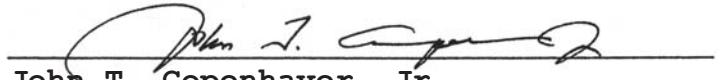
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWENTY-FOUR(24) MONTHS, consisting of 18 months imposed as to Count Six and 24 months imposed as to Count Seven, to run concurrently, for a total imprisonment term of 24 months, to be followed by a term of three (3) years of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 15, 2016



John T. Copenhaver, Jr.
United States District Judge